



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 8

COHEN, PONTANI, LIEBERMAN & PAVANE
Suite 1210
551 Fifth Avenue
New York NY 10176

COPY MAILED

OCT 29 2002

OFFICE OF PETITIONS

In re Application of
Janne Linkola
Application No. 09/915,009
Filed: July 25, 2001
Attorney Docket No. 2132-49PCON
Title: METHOD AND SYSTEM
FOR THE ROUTING OF SHORT
MESSAGES

DECISION ON RENEWED
PETITION UNDER
37 C.F.R. §1.47(b)

This is in response to the renewed petition¹ under 37 CFR §1.47(b)², filed October 2, 2002.

The above-identified application was filed on July 25, 2001, without an executed oath or declaration and identifying Janne Linkola as the sole inventor. On September 4, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted", requiring an executed oath or declaration in compliance with 37 CFR §1.63 and a surcharge for the late filing of the oath or declaration. This Notice set a two-month period for reply.

¹ The original petition was filed on April 4, 2002, and dismissed via a decision mailed on August 6, 2002.

² A grantable petition under 37 CFR §1.47(b) requires:

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-signing inventors;
- (4) proof that a complete copy of the application was sent or given to each of the non-signing inventors for review;
- (5) proof that each of the non-signing inventors refused to sign, or cannot be reached after diligent efforts;
- (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (7) proof of irreparable damage, and;
- (8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

In reply, applicant filed the original petition, along with the associated fee, the fee associated with the late filing of an oath or declaration, and a five-month extension of time to make timely this reply.

The original petition was dismissed for failure to meet requirements (4), (5), and (8).

With the renewed petition, petitioner has submitted a declaration of facts and a new declaration, which correct the previously indicated deficiencies.

As such, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy